

Haskell Lake Area Petroleum Contamination Site (Tower Standard LUST)

Meeting Date: March 23, 2017

Location: EPA R5, Chicago

Meeting Participants:

Lac du Flambeau	Dee Allen, Kristen Hanson
EPA R5 LCD	Sherry Kamke, Bob Egan
EPA R5, TIAO	Anthony Greenwater, Jennifer Manville (by phone, intermittently)

Discussion Items:

- Review the status of the commitments made at the 23 February 2017 technical meeting.
- Discuss response to the 17 February 2017 letter from WDNR.
- Discuss options and timing for re-convening three-party discussion between LDF, EPA, and WDNR.
- Discuss communication protocol.

Review of previous commitments

1A. Incomplete: New monitoring well locations identified (LDF, EPA).

3/23/2017 update: No locations selected. Data gaps and network completion discussed at length. In discussions of locations with EPA over past few months, WDNR has signaled tentative approval of most, with the exception of background wells.

4/4 EPA provides Bristol's recommendations

4/12 LDF provides comments on well recommendations, additional recommendations, and supporting materials

4/12 well planning meeting- some wells agreed, time runs out

4/18 well planning meeting- agreed well locations

4/24 LDF provides elevation details, drilling method details

1B. Incomplete: New well locations promoted to WDNR (LDF, EPA).

3/23/2017 update: Discussion of exact locations deferred until after data model is updated and presented to LDF and EPA.

4/3- Model Presentation on new model (model #3)- 4dim files provided to tribe after presentation

4/24- complete well location and construction details provided to EPA

Anticipate EPA finalize into one package and get concurrences.

Then, expected to email to WDNR with cc TIO office

TIO Exploring- 4/27 facilitated call if materials are ready in advance of call

1C. Incomplete: Groundwater elevations re-measured (EPA).

3/23/2017 update: Except for wells opened for recent USGS work (late February 2017), no groundwater elevation data has been collected recently. EPA contractors will record elevations when they are next on site for any reason.

2A. Incomplete: Composite data figure developed (EPA).

3/23/2017 update: Value and feasibility of figure questioned by EPA. Group discussion inconclusive. Group discussed possibility of using a series of cross-sectional figures in eventual site characterization report. That report and any figures were not expected to guide near-term decisions.

2B. Incomplete: Tribal contractor model comments submitted and incorporated (LDF, EPA).

3/23/2017 update: No action.

3/21- LDF Model Comments email provided to EPA includes request for model source data

More Details....

2/16- Notification of sharing of Model files from Acting LCD Director

2/21- Model Source Data requesting during short webinar with Bob Egan and Tom Kady. Tribe offers questions that neither Tom nor Bob can answer- they offer to ask modeler and get back with Tribe

2/23 Model Source Data requested during EPA-Tribe facilitated meeting. Tribe also provides Tribal Contractor Comments during meeting. We were told EPA thinks the source data used in the model is also found in a separate software database entitled Scribe- Tribal Staff find Scribe data does not agree with model in some places where the model appears to be manipulated. Also, not all site data appears in Scribe.

3/16- Model Source data requested in email regarding well placement planning

3/21 – Model Source data requested in email – Detailed model comments, questions, and source data requested

4/3 - Model webinar of new Model dated 3.13.2017. Files provided to Tribe post webinar on 4/3/2017. Modeler shows location of input parameters and logged modification in model and provides that input parameters and modifications “source data” are included in report provided to Bristol

4/14- Model Source Data requested in detailed task order comments

2C. Incomplete: COC chart created (EPA).

3/23/2017 update: To address tribal concerns over inconclusive data, LDF was asked to define potential adjustments to analyte lists and sampled media. These recommendations may be added to both the expected chart and the sampling/monitoring plan.

2D. Incomplete. All data tabulated in more usable format (EPA).

3/23/2017 update: No action. Data model still in development.

3A. Incomplete: Tribal comments and questions submitted re 3 previous technical memoranda (LDF).

3/23/2017 update: LDF to send comments and questions soon.

3B. Incomplete: 3 previous tech memos revised to address LDF comments and questions (EPA).

3/23/2017 update: No action, pending receipt of Tribal materials. Revision will be included in next task order. EPA will arrange for LDF to talk directly with Bristol regarding the comments and technical questions about the memos.

3C. Agreed for future collaborations (2/24/2017): Future technical memos will be reviewed by Tribe and comments addressed, prior to finalization (LDF, EPA).

4A. Incomplete: FS developed for excavation of source material (EPA).

3/23/2017 update: FS will be re-named to avoid regulatory confusion. Assessment will be included in new task order.

Note: LDF agreed to the term Feasibility Study in reference to the expected source area interim action excavation feasibility study, but was concerned about the use of the new term, Corrective Measures, used exclusively in the task order, which EPA guidance describes as a post investigation final remedy report.

Therefore- it was expected that Corrective Measures would not be used and Feasibility Study would remain.

LDF Offers this More Complete Option- Interim Action Source Area Excavation Feasibility Study

4B. Incomplete: Examples provided of other AS/SVE applications (EPA).

3/23/2017 update: No action.

4C. Complete (3/23/2017): Optimization resource contacted (EPA).

3/23/2017 update: EPA resource contacted. Work found to be more appropriate for finetuning of post-

remediation monitoring, rather than for original system design. No further action expected.

5A. Complete (2/23/2017): USGS workplan provided to EPA (LDF).

5B. Complete (2/25/2017): Property access requested for USGS work (EPA).

2/25/2017 update: Access granted by property owners under agreement with EPA. Access utilized by USGS the following week for field work. Work satisfactorily completed. There are conflicting accounts regarding coordination of USGS access and compliance with various agreements. Local law enforcement or conservation officers may be tasked with observation of future events.

4/14- LDF sends EPA USGS water level, stream, and lake elevation data

WDNR correspondence

Prior to the meeting on 23 March 2017, LDF and EPA collaborated on EPA response to WDNR letter of 28 February 2017. Response rejected WDNR jurisdictional claims, but urged joint attention to completing the monitoring well network, preparing an assessment of excavation as an interim action, and planning for residual contamination that may require a final remedial action.

Re-convening three-party discussions with LDF, EPA, WDNR

The Tribe and EPA agreed on a sequence of actions: 1) review of the data model by the Tribe and EPA; 2) preparation of joint Tribal-EPA recommendations for additional well installations; followed by 3) re-engagement with WDNR to finalize well installation and sampling plans.

Communication protocol

- The Tribe and EPA agreed that TIAO would be recommended to WDNR as a facilitator of future three-party calls and meetings. WDNR has since agreed to this arrangement.
- Portions of the confidential LDF investigation and remediation protocol were shared with WDNR by EPA. Appropriate handling of sensitive information is expected in the future.
- LDF and EPA agreed to discuss in detail how communications might be handled in the future, as more parties become involved and different Tribal and EPA organizational levels may choose to engage in the process.
- LDF and EPA recognized the underlying communication issues that will need to be addressed as their interactions move beyond technical discussions of the Haskell Lake site.

New action items and agreements

6. Data collection, management and distribution.

- a) Groundwater elevations will be recorded, whenever EPA contractors are next on site (EPA).
- b) The latest data will be included in the model, but only if there is sufficient funding (EPA).
- c) The source of data used in latest model iteration will be confirmed and shared (EPA).
- d) The "Implementing Agency" field will be re-named or eliminated from database (EPA).

LDF Understood

- 1) Implementing Agency will be removed from the EPA Region V Tribal LUST data website
- 2) Within the EPA Tribal LUST database, implementing agency will be corrected and listed as EPA not WDNR

- e) A webinar will be arranged soon with the data modelers (LDF, EPA).

7. New task order:

- a) Comments will be provided on draft task order and language will be clarified as needed (LDF, EPA). Bristol's written response will be shared with LDF (EPA). LDF will be invited to participate in teleconference with EPA and Bristol to discuss draft order, EPA comments and Bristol response (EPA).

3/23 LDF provided verbal comment and request missing parts of for scope of work spec document referenced in task order – OSWER Directive 9902.3-2A RCRA Corrective Action Plan, May 1994.

3/30 LDF email request for missing parts of SOW document referenced in T.O.

4/12 EPA provides Missing parts of OSWER Directive 9902.3-2A RCRA Corrective Action Plan

4/14 LDF provides complete T.O. comments

- b) Task order language will allow LDF to talk directly with Bristol regarding three earlier tech memos, tribal comments, and technical questions (EPA).
- c) LDF comments on preparation of a composite data figure will be forwarded to Bristol (EPA). In preparing a characterization report, consideration will be given to an alternative approach that relies on a series of cross-sectional figures (LDF, EPA).

3/21- Composite Figure Comments included in Model Comments email

- d) Additional analytes and media will be identified (LDF). Task order will include any added potential contaminants of concern (EPA).
- e) Tribal priorities for use of remaining 2016 funding will be identified and considered (LDF, EPA).
- f) In task order and elsewhere, to eliminate confusion with various regulatory protocols, the planned *Feasibility Study* for source material excavation will be re-named. Citation in task order to particular EPA guidance documents will be clarified (EPA).

4/14 LDF Provides T.O. Comments

Note: LDF agreed to the term Feasibility Study in reference to the expected source area interim action excavation feasibility study, but was concerned about the use of the new term, Corrective Measures, used exclusively in the task order, which EPA guidance describes as a post investigation final remedy report.

Therefore- it was expected that Corrective Measures would not be used and Feasibility Study would remain.

LDF Offers this More Complete Option- Interim Action Source Area Excavation Feasibility Study

8. Site access and security:

- a) Additional access agreements related to the site will be researched. If any are found, they will be provided to LDF (EPA).
- b) Possibility of local law enforcement or conservation officers securing the site and observing activities will be researched (LDF).

9. Communications:

- a) Protocols for engaging with WDNR and managing internal procedures will be considered (LDF, EPA).
- b) LDF and EPA agreed that regularly-scheduled calls or meetings were premature and that interactions would be arranged as needed for now (LDF, EPA).
- c) The public name of the project will be "Haskell Lake Area Petroleum Contamination Site". It is understood that other names may be used/required within certain EPA databases.